

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES FOSTER WILCOX
Plaintiff,

v.

ERIE COUNTY PRISON, et al.,
Defendants.

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C.A. No. 20-5 Erie

District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

This *pro se* civil rights action was commenced by the filing of a motion for leave to proceed *in forma pauperis*, along with an attached complaint, on January 13, 2020 [ECF No. 1]. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On March 6, 2020, Magistrate Judge Lanzillo issued an Order granting Plaintiff's motion for leave to proceed *in forma pauperis*, but ordering Plaintiff to file an amended complaint by April 6, 2020, to correct numerous deficiencies identified in the original complaint [ECF No. 2]. After Plaintiff failed to comply with this Order, Judge Lanzillo issued a show cause Order requiring Plaintiff to file a proper amended complaint on or before May 4, 2020. [ECF No. 7].

After Plaintiff's continued failure to file the required amended complaint, Judge Lanzillo issued a Report and Recommendation ("R&R") on June 1, 2020, recommending that this case be dismissed due to Plaintiff's failure to prosecute. [ECF No. 8]. On the same date, this action was reassigned to the undersigned, as presiding judge, with Judge Lanzillo remaining as the referred

magistrate judge. Service of the R&R was made on Plaintiff at his address of record, via first class United States mail. Objections to the R&R were due from Plaintiff by June 18, 2020; however, Plaintiff has failed to file any objections to date.

After de novo review of the documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 22nd day of June, 2020;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Lanzillo, issued June 1, 2020 [ECF No. 8] is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record